UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,887	04/30/2001	Lawrence M. Besaw	10006654-1	1155

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
PITARO, RYAN F

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/843,887	BESAW ET AL.
Office Action Summary	Examiner	Art Unit	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>21-62</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>21-62</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This communication is in response to Amendment B file 6/28/2005. In the

amendment claims 21-62 were amended.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   Claims 21-24,27-29,31,34-38,41,43,45,48-52,55,57,59,62 are rejected

under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Grau et al

("Grau", US# 5,910,803) in view of Ramanathan et al ("Ramanathan",

US#6,701,459).

As per claim 21, Grau discloses a method for implementing a service on a

management portal of a network to provide a customer at a remote node in the

network with the capability to view on a web page a topology map of the

customer's portioned network, the method comprising: receiving from the remote

node a request for the topology map (Column 8 lines 12-17); gathering

information relevant to the requested topology map (Column 8 lines 12-17);

generating the requested topology map using the gathered information (Column

6 lines 4-12). Grau fails to distinctly point out the user at a remote node able to view a topology map on a web page, wherein the generated topology map is in conformance with a graphics format. However, Ramanathan teaches transporting the requested topology map to the remote network node (Column 6 lines 8-23) utilizing a network protocol that enables the requested topology map to be linked into a web page (Column 2 lines 29-31). Ramanathan also teaches the generated topology map is in conformance with a graphics format (Ramanathan shows in Figure 8 the generated topology map, since graphics are shown i.e. item 64 the system must be in conformance with some graphics format). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Grau with the teaching of Ramanathan. Motivation to do so would have been to effectively manage the system from anywhere with Internet access.

As per claim 22, which is dependent on claim 21, Grau- Ramanathan discloses a method further comprising adding, by the map view object, a plurality of symbols to the requested topology map, wherein the symbols comprise at least one of either a network node icon symbol and a connection line symbol (Grau, Column 11 lines 65-67, and Column 12 lines 1-4).

As per claim 23, which is dependent on claim 21, Grau- Ramanathan fails to disclose a method wherein transporting the requested topology map comprises associating the requested topology map with an output file stream. However, Official Notice is taken that using an output file stream to transmit data to a remote node is well known in the art. It would have been obvious to an

artisan at the time of the invention to use an output file stream to transmit the topological data to a remote node because it would allow the user to see data immediately, even if the entire data set has not yet been received by the node.

As per claim 24, which is dependent on claim 21, Grau-Ramanathan discloses a method further comprising: displaying on the remote network node a display of topology map options for generating the customer's network topology map (Grau, Column 8 lines 15-27), wherein the gathered information is consistent with the customer's selection of topology map options, if selected (Grau, Column 8 lines 15-27).

As per claim 27, which is dependent on claim 21, Grau-Ramanathan discloses a method initializing a graphics driver as a member function of the map view module, wherein the graphics driver is defined by a graphics driver class representing a supplied graphics library; and generating a system call to a supplied graphics library to generate the requested topology map (Grau, Column 5 lines 58-67, and Column 6 lines 1-3).

As per claim 29, which is dependent on claim 21, Grau-Ramanathan discloses a method wherein the network protocol comprises one or more of the group comprising HTTP, TCP/IP and X.25 (Ramanathan, inherently, uses the HTTP and TCP/IP protocol in the links in the webpage and communicate across a network).

As per claim 31, which is dependent on claim 21, Grau- Ramanathan discloses a method wherein the network comprises a combination of one or more

of a local area network, wide area network, wireless network, and internet (Grau, Column 3 lines 56-65).

As per claim 34, which is dependent on claim 21, Grau- Ramanathan discloses a method wherein transporting the requested topology map comprises: generating a web page with a hypertext link to the location in which the requested topology map is stored (Ramanathan, Column 2 lines 22-31); forwarding the web page over the network to the customer (Ramanathan, Figure 8); and receiving a command to invoke a common gateway interface in the management portal to transport the stored topology map to the customer using the network protocol (Ramanathan, inherently, uses the HTTP and TCP/IP protocol in the links in the webpage and communicate across a network).

Claims 35 and 49 are individually similar in scope to that of claim 21 and are therefore rejected under similar rationale.

Claims 36 and 50 are individually similar in scope to that of claim 22 and are therefore rejected under similar rationale.

Claims 37 and 51 are individually similar in scope to that of claim 23 and are therefore rejected under similar rationale.

Claims 38 and 52 are individually similar in scope to that of claim 24 and are therefore rejected under similar rationale.

Claims 41 and 55 are individually similar in scope to that of claim 27 and are therefore rejected under similar rationale.

Claims 43 and 57 are individually similar in scope to that of claim 29 and

are therefore rejected under similar rationale.

Claims 45 and 59 are individually similar in scope to that of claim 31 and

are therefore rejected under similar rationale.

Claims 48 and 62 are individually similar in scope to that of claim 34 and

are therefore rejected under similar rationale.

4.   Claims 25,26,30,33,39,40,44,47,53,54,58,61 are rejected under 35 U.S.C.

103(a) as being unpatentable over unpatentable over Grau et al ("Grau", US#

5,910,803) and Ramanathan et al ("Ramanathan", US#6,701,459) in view of

Prithviraj et al ("Prithviraj" US# 5987513).

As per claim 25, which is dependent on claim 21, Grau- Ramanathan fails

to disclose topology map options. However, Prithviraj teaches a method wherein

the topology map options comprise one of more of the group of individually

selectable parameters including performance attributes, status and throughput

(Prithviraj, Column 24 lines 61-64). Therefore it would have been obvious to an

artisan at the time of the invention to combine the mapping options introduced in

Prithviraj into Grau-Ramanathan. Motivation to do so would have been to provide

a more convenient way of identifying network elements and examining the status

of such network elements.

As per claim 26, which is dependent on claim 21, Grau-Ramanathan-

Prithviraj discloses a method further comprising the customer with a display of

filtering functions that may be applied to the customer's network partition to generate the requested topology map, wherein the gathered information is consistent with the customer's selection of a desired filter function, when selected (Prithviraj, Column 23 lines 31-37).

As per claim 30, which is dependent on claim 21, Grau-Ramanathan-Prithviraj discloses a method wherein the network topology generation service is one of a plurality of services provided to customers by a service provider (Prithviraj, Column 13 lines 27-33).

As per claim 33, which is dependent on claim 21, Grau-Ramanathan-Prithviraj discloses a method further comprising: providing authentication services for the services for the customer by a web server executing on the management portal (Prithviraj, Column 19 lines 34-46).

Claims 39 and 53 are individually similar in scope to that of claim 25 and are therefore rejected under similar rationale.

Claims 40 and 54 are individually similar in scope to that of claim 26 and are therefore rejected under similar rationale.

Claims 44 and 58 are individually similar in scope to that of claim 30 and are therefore rejected under similar rationale.

Claims 47 and 61 are individually similar in scope to that of claim 33 and are therefore rejected under similar rationale.

5.   Claims 28,32,42,46,56,60 are rejected under 35 U.S.C. 103(a) as being

unpatentable over unpatentable over Grau et al ("Grau", US# 5,910,803) and

Ramanathan et al ("Ramanathan", US#6,701,459) in view of Messinger

("Messinger", US# 5,793,974).

As per claim 28, Grau-Ramanathan fails to disclose configuring a portion

of a network. However, Messinger teaches a method wherein the service

provider configures a portion of the network in to partitioned networks, wherein

the portion of the network comprises a partitioned network allocated to the

customer (Messinger, Column 7 lines 57-67, Column 8 lines 1-17). Therefore it

would have been obvious to an artisan at the time of the invention to combine the

teaching of Messinger of configuring a portion of the network into the system of

Grau-Ramanathan. Motivation to do so would have been to provide an

arrangement by which a network manager or other operator may easily generate

and manipulate the physical layout of a network. Official Notice is also taken that

GIF and PNG are well known in the art and is therefore not novel. It would have

also been obvious to one skilled in the art at the time of the invention to transfer

graphical data using the GIF or PNG format in the network topology system of

Grau-Ramanathan-Messinger since the teaching of Messinger uses conventional

computer graphics, which the above are. Motivation to do so would have been to

provide a better image compression technology.

With respect to claim 32 all of the claimed features are taught by Grau-

Ramanthan-Messinger.

Claims 42 and 56 are individually similar in scope to that of claim 28 and are therefore rejected under similar rationale.

Claims 46 and 60 are individually similar in scope to that of claim 32 and are therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments with respect to claim 21-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday-Thursday, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Ryan Pitaro
Patent Examiner
Art Unit 2174

RFP